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Date of Deposit October 6, 2005

PATENT

Attorney Docket No.:
020891-001411US

I hereby certify that this is being deposited with the United States Postal
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Commissioner for Patents

Attn: Box Missing Parts

P. O. Box 1450

Alexandria, VA 22317-1450

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BURLI *et al.*

Application No.: 10/523,422

Filed: February 1, 2005

For: BIARYL COMPOUNDS HAVING
ANTI-INFECTIVE ACTIVITY

Examiner: Not yet assigned

Art Unit: Not yet assigned

TRANSMITTAL LETTER –
RESPONSE TO NOTICE OF MISSING
PARTS

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear sirs:

Pursuant to the Notice to File Missing Parts of the US national phase
application, dated August 19, 2005, enclosed are the following to be made of record in the
above-identified application:

- 1) Executed Declaration
- 2) Copy of Notice of Missing Parts

Please charge Deposit Account No. 20-1430 for the following fees:

| | | |
|---------------------------------|-------------------------|--------------|
| Missing Declaration | Missing Parts Surcharge | \$65 |
| Additional Claim Fees | | \$505 |
| TOTAL FEES TO BE CHARGED | | \$570 |

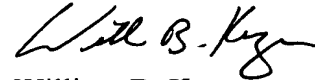
10/14/2005 GFREY

01 FC:2617
02 FC:2616
03 FC:2615

00000126 201430 10523422
65.00 DA
180.00 DA
325.00 DA

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,



William B. Kezer
Reg. No. 37,369

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
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WBK/m6m

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UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/WBK

020891-001411US

OCT 2005

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/523,422 | Roland W Burli | 020891-001411US |

INTERNATIONAL APPLICATION NO.

PCT/US03/24294

I.A. FILING DATE

PRIORITY DATE

08/01/2003

08/02/2002

William B Kezer
Townsend and Townsend and Crew
Two Embarcadero Center 8th Floor
San Francisco, CA 94111-3834

CONFIRMATION NO. 1167
371 FORMALITIES LETTER
OC000000016760269
OC000000016760269

Response Due 10/19/05

Date Mailed: 08/19/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/01/2005
- Copy of the International Search Report filed on 02/01/2005
- Request for Immediate Examination filed on 02/01/2005
- U.S. Basic National Fees filed on 02/01/2005
- Priority Documents filed on 02/01/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$505 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$570 for a Small Entity:

15KCC

- \$65 Surcharge.
- Total additional claim fee(s) for this application is \$ 505
 - \$325 for 13 total claims over 20.
 - \$180 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/523,422 | PCT/US03/24294 | 020891-001411US |